

ORIGINAL

Federal Communications Commission RECEIVED

WASHINGTON, D.C.

JUL 29 1992

IN RE APPLICATION OF

EDUCATIONAL MEDIA FOUNDATION
OF BRYAN/COLLEGE STATION
Bryan, Texas

For Noncommercial FM Broadcast Station Construction Permit

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FCC File No. BPED-910924MC

TO: Chief, Audio Services Division

SUPPLEMENT TO PETITION TO DENY OR HOLD IN ABEYANCE

Channel 6, Inc., licensee of television broadcast station KCEN-TV, Temple, Texas ("KCEN-TV"), by counsel, hereby submits this Supplement to its April 14, 1992 Petition to Deny or Hold in

protect KCEN-TV, a Channel 6 station, pursuant to Section 73.525 of the Rules. In response to the Petition, Educational Media has filed an amendment to its application attempting to address the issue. However, as set forth in the attached Engineering Statement of Robert M. Silliman of the engineering firm of Silliman and Silliman, the amended application still does not show that the proposed station will protect KCEN-TV in accordance with Section 73.525.

2. Specifically, the application Form 340 at paragraph 24 requires that the applicant to supply, "a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station." Educational Media's amended engineering statement provides this information only for the portion of the interference area which is outside the Grade A contour of KCEN-TV's translator, K63DL.

3. For purposes of determining compliance with the interference rules, Section 73.525 does permit NCE-FM applicants like Educational Media to adjust the interference contour and subtract the number of persons located within the interference area to take into account a Channel 6 station's translator.¹

¹/ Section 73.525(e)(3)(c)(A) provides:

(i) If any part of the predicted interference area is within the Grade A field strength contour (\$73.683) of a TV translator station carrying the affected TV Channel 6 station, the number of persons within that overlap area will be subtracted, provided the NCE-FM construction permit and license will contain the following conditions:

(A) When the TV translator station ceases to carry the affected TV Channel 6 station's
(continued...)

Nevertheless, the construction permit and license which would be issued upon the grant of such an application will contain a condition that if the translator is later forced off the air, the NCE-FM station must modify its operation so that it would comply with the rules without the adjustment to the interference contour or population figures. For this reason, the pre-adjustment figures and contour must be included in the application. Without them, the Commission would have no way of determining whether or not the NCE-FM would have to reduce power in the event the translator is taken off the air. (See enclosed Engineering Statement).

4. In addition to the failure of Educational Media to provide the pre-adjustment population figures and complete interference contour, the application contains several errors in its method of calculation which must be corrected before the application may be granted (see enclosed Engineering Statement).

CONCLUSION

For the reasons set forth above, the application filed by Educational Media must be further amended to provide the complete

1/(...continued)


service and the cessation is not the choice of the affected TV Channel 6 station, the NCE-FM station will modify its facilities, within a reasonable transition period, to meet the requirements of this section which would have applied if no adjustment to

interference contour and pre-adjustment population figures and to correct errors in its method of calculation.

Respectfully submitted,

CHANNEL 6, INC.

By


Ann K. Ford

Its Attorney

FISHER, WAYLAND, COOPER
& LEADER
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 659-3494

Date: July 29, 1992

1175-000.G05

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS

SILVER SPRING, MD 20910

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KCEN-TV
Temple, Texas

ENGINEERING STATEMENT

Robert M. Silliman is a Registered Professional Engineer in the State of Maryland, the District of Columbia and the Commonwealth of Virginia. He has been retained by the licensee of KCEN-TV, to study the application of Educational Media Foundation for a noncommercial FM Station to operate on Channel 210A, 89.9 MHz with 0.1 kW vertically polarized at Bryan, Texas.

COMMENTS ON ENGINEERING STATEMENT

Paragraph 24 of FCC Form 340 requests "a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station." A showing of the interference area has not been provided.

The applicant's engineering statement provides this information only for the portion of the interference area which is outside the Grade A contour of translator station K63DL which carries the program service of KCEN-TV.

Section 73.525 does provide for subtraction of the number of persons in the interference area which is also within the Grade A service area of a TV translator serving the area. The determination of the contour itself is required and is essential. Without it, there would be no way of determining whether a reduction in power would be required should the translator station cease to carry the programming of KCEN-TV and the cessation was not the choice of KCEN-TV.

ERRORS IN METHOD OF CALCULATION

In addition to failure to provide the complete interference contour, some errors appear to have been made in the method of calculation.

In applicant's ENGINEERING EXHIBIT NO. E-1 Page 3, paragraph 2, the statement is made "It is proposed to operate with an ERP of 100 watts using an antenna that is vertically polarized only; therefore, the 40:1 power compensation applies."

However, Section 73.525(e)(4) provides for multiplication by 40 if the interference area lies entirely outside the limits of a city of 50,000 persons or more; or 10, if it does not.

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ERRORS IN METHOD OF CALCULATION (CONT'D)

The area includes parts of Bryan, Texas. The 1990 US Census of Population states that the 1990 population of Bryan, Texas is 55,002. Hence, the correct number to be used is 10 rather than 40. Hence, the portion of the interference area which was included is incorrect because of the use of 40.

Attention is invited to Section 74.707(a)(2) which deals with low power TV, or TV translator stations which states that the translator stations protected contour "is calculated from the authorized effective radiated power and antenna height above average terrain, using Figure 9, 10, or 10b of 73.699." Calculation in this manner would yield a distance of 4.5 km to the Grade A 74 dBu contour of K63DL, which would be a circle. The contour as it appears on Exhibit No. E-6A is not a circle and differs somewhat from the above.

CONCLUSION

The engineering submitted in support of the application for a noncommercial Educational FM Station at Bryan, Texas on Channel 210A, 89.9 MHz appears to be incomplete and to contain some errors which should be corrected.

By Robert M. Silliman

July 23, 1992

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS

SILVER SPRING, MD 20910

KCEN-TV
Temple, Texas

A F F I D A V I T

MONTGOMERY COUNTY)
) SS:
STATE OF MARYLAND)

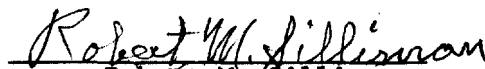
ROBERT M. SILLIMAN, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

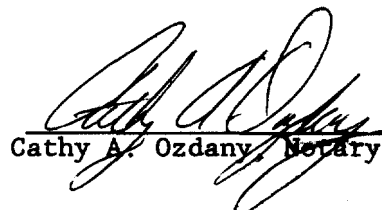
That he is a registered professional engineer in Maryland, the District of Columbia and the Commonwealth of Virginia and is a partner in the firm of Silliman and Silliman;

That this firm has been retained by the licensee of KCEN-TV to prepare this engineering statement;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement and that the facts stated in this engineering statement are true of his knowledge except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.


Robert M. Silliman

Subscribed and sworn to before me this 23rd day of July 1992.


Cathy A. Ozdany, Notary Public

My Commission expires April 1, 1994.

(SEAL)

CERTIFICATE OF SERVICE

I, Marionetta Holmes, hereby certify that I have this 29th day of July, 1992, mailed by first class United States mail, postage prepaid, copies of the foregoing "Supplement to Petition to Deny or Hold in Abeyance" to the following:

*Dennis Williams
Chief, FM Branch
Federal Communications Commission
1919 M Street, N.W.
Room 332
Washington, D.C. 20554

Ashton R. Hardy, Esq.
Marjorie R. Esman, Esq.
Walker, Bordelon, Hamlin
Theriot & Hardy
701 South Peters St.
New Orleans, LA 70130

Buddy Holiday
Educational Media Foundation of